

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

Ronald KNOX, SR.,

Plaintiff,

v.

Michael NOPEN, *et al.*,

Defendants.

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CIVIL ACTION NO. 5:10-CV-1 (MTT)

ORDER

This matter is before the Court on the Recommendation to Grant (Doc. 23) (the “Recommendation”) of United States Magistrate Judge Charles H. Weigle. The Magistrate Judge, having reviewed the Defendants’ Partial Motion to Dismiss (Doc. 10) (the “Motion”), recommends dismissing the due process claim against Defendant Counselor Brown because the Plaintiff does not have a constitutional right to participate in the prison grievance procedure. Further, the Magistrate Judge recommends dismissing the First Amendment Access to Court claim against Brown because the Plaintiff has failed to prove any alleged mishandling of his administrative grievance by Brown impeded his ability to pursue legal action. The Magistrate Judge also recommends dismissing the 42 U.S.C. § 1985 conspiracy claim against the Defendants because the Plaintiff has not demonstrated a discriminatory animus towards him. The Plaintiff did not file an objection to the Recommendation.

The Court has reviewed the Recommendation, and the Recommendation is adopted and made the order of this Court. The Motion is **GRANTED**. All claims against

Brown and any § 1985 claims are dismissed. The remaining claims against Defendants Officer Michael Nopen and Dana Smith shall remain pending.

SO ORDERED, this the 31st day of January, 2011.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT